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TYRONE DEMOND MAHAN
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. Cr. S 03-513 JAM
)	
12 Plaintiff,)	STIPULATED MOTION AND ORDER TO
)	REDUCE SENTENCE PURSUANT TO 18
13 v.)	U.S.C. § 3582 (c) (2)
)	
14 TYRONE DEMOND MAHAN,)	<u>RETROACTIVE CRACK COCAINE REDUCTION</u>
)	<u>CASE</u>
15 Defendant.)	
)	Judge: Honorable JOHN A. MENDEZ
16 _____)	

17 Defendant, TYRONE DEMOND MAHAN, by and through his attorney,
18 Assistant Federal Defender David M. Porter, and plaintiff, UNITED
19 STATES OF AMERICA, by and through its counsel, First Assistant U.S.
20 Attorney Phillip A. Talbert hereby stipulate as follows:

21 1. Pursuant to 18 U.S.C. § 3582(c) (2), this Court may reduce the
22 term of imprisonment in the case of a defendant who has been sentenced
23 to a term of imprisonment based on a sentencing range that has
24 subsequently been lowered by the Sentencing Commission pursuant to 28
25 U.S.C. § 994(o);

26 2. By judgment dated November 17, 2005, this Court sentenced Mr.
27 Mahan to a term of imprisonment of 156 months;

28 3. On June 4, 2008, the parties filed a stipulation providing

1 that the total offense level applicable to Mr. Mahan was subsequently
2 lowered by the United States Sentencing Commission in Amendment 706 by
3 two levels, from 28 to 26. Mr. Mahan's criminal history category was
4 VI, so the applicable guideline range became 120 to 150 months.

5 4. On June 4, 2008, the Court issued an order reducing Mr.
6 Mahan's sentence from 156 to 134 months.

7 5. The total offense level applicable to Mr. Mahan was
8 subsequently lowered by the United States Sentencing Commission in
9 Amendment 750, from 26 to 25, resulting in a new guideline range of 110
10 to 137 months, and the parties agree to a sentence reduction to 120
11 months, the mandatory minimum sentence;

12 6. Accordingly, the parties request the court enter the order
13 lodged herewith reducing Mr. Mahan's term of imprisonment to a term of
14 imprisonment of 120 months.

15 Dated: November 10, 2011

16 Respectfully submitted,

17 BENJAMIN WAGNER
18 United States Attorney

DANIEL J. BRODERICK
Federal Defender

19 /s/ Phillip A. Talbert
20 PHILLIP A. TALBERT
21 First Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

22 Attorney for Plaintiff
UNITED STATES OF AMERICA

Attorney for Movant
TYRONE DEMOND MAHAN

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The parties agree, and the Court finds, that Mr. Mahan is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable total offense level from 26 to 25, and a sentence within the applicable guideline range and at the statutory mandatory minimum would be 120 months.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect.

Dated: November 14, 2011

HONORABLE JOHN A. MENDEZ
U.S. District Judge